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August 28, 2008

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Honorable Judge Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street, Room 640
New York, NY 10007

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Re: Shapiro V. New York University, 08 Civ. 6538 (CM) (DCF)

Dear Judge McMahon:

We represent the Plaintiff in the above-referenced action.

In accordance with your July 28, 2008 Order Scheduling an Initial Pre-Trial Conference, we are enclosing herewith a Civil Case Management Plan signed by counsel for the parties.

We note that this is an ERISA benefit case and that, by its terms, the Civil Case Management Plan does not apply to such cases. Pending further direction from you, we have submitted the Civil Case Management Plan in the form provided with your Order.

Counsel for defendants has counter-signed below confirming the foregoing

Respectfully yours,

Joseph N. Salomon
Joseph N. Salomon

Confirmed:

Daniel T. Driesen
Daniel T. Driesen, Esq.

Since by its terms it does not apply, why did you submit it? Come to the Rule 16 conf

Colleen McMahon
9/2/08